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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,745	10/14/2003	Vaughan William Wittorff	03-640	4059
73013	7590	11/01/2007		
Vaughan William Wittorff			EXAMINER	
Complex Systems Research Limited			CHO, HONG SOL	
35 Hills Road				
Cambridge, CB2 1NT			ART UNIT	
UNITED KINGDOM			2619	
			MAIL DATE	
			11/01/2007	
			DELIVERY MODE	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/684,745	Applicant(s) WITTORFF, VAUGHAN WILLIAM	
	Examiner Hong Cho	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☒ Claim(s) 3 and 5 is/are rejected.
- 7) ☒ Claim(s) 4 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 9/4/07. Claims 1-6 are pending in the instant application.

Claim Objections

2. Claims 2 and 4-6 are objected to because of the following informality:

Re claims 2 and 4-6, line 1, "a method" should read - - The method - - .

Re claim 4, lines 6 and 7, "said peer group - - should read - - said lower level peer group - - .

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hummel (US 5831982) in view of Kohler et al (US 20030185153), hereinafter referred to as Kohler.

Re claim 3, Hummel discloses blocking links (*implementing constraints*, column 10, lines 22-25) pa5 and pa6 inside a subnetwork, TA (*peer group*) of the hierarchy diagram of ATM communications network (*implementing constraints in a hierarchical network wherein the hierarchical network comprises a plurality of nodes and a plurality of interconnecting arcs in the physical layer arranged into one or more peer groups, each peer group being considered as a logical group node in a higher level peer group in the hierarchy, with an arbitrary number of such hierarchical levels*, figure 1; column 9, lines 43-64). Hummel discloses blocking links pa5 and pa6 inside a subnetwork, TA (*peer group*) (*placing cuts or meta-cuts in the nodes of a peer group such that said peer group is a no-loop network*, column 10, lines 22-25) so that those blocked links are removed from a list of routing table so that the physical path is not established on blocked links (*so that for any node in which a meta-cut has been placed between two arcs (links pa5 and pa6*, column 10, lines 25-26). Hummel fails to disclose controlled traffic entering by way of one of said two arcs is prevented from leaving the lower level peer group represented by the node, by way of the second of said two arcs, and vice versa. Kohler discloses preventing traffic entering the node on one of the links from leaving on the other (figure 2, paragraph [0078]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Hummel by adding to it the feature of bypassing a constrained route for the benefit of optimal routing of a packet.

Re claim 5, Hummel discloses blocking links (*implementing constraints*, column 10, lines 22-25) pa5 and pa6 inside a subnetwork, TA (*peer group*) of the hierarchy

diagram of ATM communications network (*implementing constraints in a hierarchical network, wherein the implementation of said routing constraints in the network comprises introducing cuts in said lower level peer group, column 1, lines 21-28*).

Allowable Subject Matter

5. Claims 1 and 2 are allowed.
6. Claims 4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claim 3 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7439. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2619

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hc
Hong Cho
Patent Examiner
10/29/07


10/29/07
WING CHAN
SUPERVISORY PATENT EXAMINER